



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

WMP

Docket No: 2699-02
26 August 2002

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 21 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 19 June 1984 for three years after over three years of prior active naval service. On 28 August 1984 you were hospitalized and received a psychiatric evaluation due to your being in an agitated state. The attending psychiatrist found you to have a mixed personality disorder. He further found that you were free of any suicidal ideation, and concluded that you were fit for full duty and should be held accountable for your actions. You were discharged from the hospital on 10 September 1984 and returned to your command.

On 12 October 1984 you received nonjudicial punishment (NJP) for failure to be at your appointed place of duty and wrongful use of a controlled substance. The punishment imposed was a reduction to paygrade E-2.

Your record further shows that you served without further incident until 19 November 1986, when you received NJP for wrongful use of cocaine and marijuana on or about 21 July 1986. The punishment imposed was forfeitures of \$424 per month for two months, 45 days of restriction and extra duty, and reduction to paygrade E-3.

On 1 December 1986, you were evaluated to determine whether you were dependent on alcohol or drugs. As a result of this evaluation you were found not to be psychologically or physically dependent upon alcohol or drugs.

On 25 November 1986, you were notified that separation action was being initiated by reason of misconduct due to drug abuse. You were advised of and waived all of your procedural rights, with the exception of obtaining copies of documents supporting the basis for your proposed separation.

On 5 December 1986, your commanding officer forwarded the separation action, recommending an other than honorable discharge due to misconduct, to the Commander, Naval Military Personnel Command (CNMPC). On 11 December 1986 CNMPC directed an other than honorable discharge by reason of misconduct due to drug abuse. On 16 December 1986, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your age and immaturity, the fact that you completed over two years of service without incident, and that it has been over 15 years since your discharge. However, the Board concluded that the record fully supported the other than honorable discharge, based on the two NJP's for drug abuse. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by

the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director